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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 RYANAIR DAC,

10 Plaintiff,

11 v.

12 EXPEDIA INC.,

13 Defendant.
14

Case No. C17-1789RSL

ORDER CERTIFYING
INTERLOCUTORY APPEAL

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16 This matter comes before the Court on “Defendant Expedia, Inc.’s Motion for
17 Certification of Interlocutory Appeal Under 28 U.S.C. § 1292(b) and to Stay Proceedings
18 Pending Appeal.” Dkt. # 38. Having considered the memoranda submitted by the parties and the
19 remainder of the record,¹ the Court finds as follows:

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21 The Court’s “Order Denying Motions to Dismiss” (Dkt. #34 at 5 n.5) is hereby
22 AMENDED to include a finding that allegations of unauthorized access to a protected computer
23 orchestrated by defendant in the United States and causing harm to plaintiff’s reputation and
24 good will in the United States are sufficient at step two of the extraterritoriality inquiry to
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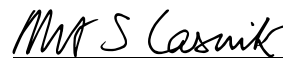
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28 ¹ This matter can be decided on the papers submitted. The parties’ requests for oral argument are DENIED.

1 establish that the case involves a domestic application of the Computer Fraud and Abuse Act
2 (“CFAA”), 18 U.S.C. § 1030 *et seq.*

3 The Court’s finding that CFAA’s civil provision applies extraterritorially and its
4 discretionary decision to exercise its jurisdiction rather than dismiss the case involve controlling
5 questions of law as to which there are substantial grounds for difference of opinion. An
6 immediate appeal regarding the extraterritorial application of CFAA’s civil provision and
7 whether this Court abused its discretion in refusing to dismiss the case under the doctrine of
8 forum non conveniens may materially advance the ultimate termination of the litigation and will
9 ensure that the litigation proceeds in an efficient, meaningful, and comprehensive manner.
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12 Defendant shall, within fourteen days of the date of this Order, file with the Ninth Circuit
13 an application for appeal as required by 28 U.S.C. § 1292(b). The above-captioned matter is
14 hereby STAYED pending resolution of the interlocutory appeal process. The parties shall
15 inform the Court within fourteen days of the Ninth Circuit’s final decision on the matter.
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17 Dated this 25th day of September, 2018.

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20 Robert S. Lasnik
21 United States District Judge
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